

CHAVEZ & GERTLER LLP

MARK A. CHAVEZ (Bar No. 90858)
NANCE F. BECKER (Bar No. 99292)
42 Miller Avenue
Mill Valley, California 94941
Telephone: (415) 381-5599
Facsimile: (415) 381-5572
Email: mark@chavezgertler.com
nance@chavezgertler.com

LAW OFFICES OF PETER FREDMAN

Peter Fredman (Bar No. 189097)
1917 Carleton Street
Berkeley, California 94707
Telephone: (510) 486-8739
Facsimile: (510) 486-8739
Email: peterfredman@sbcglobal.net

HAGENS BERMAN SOBOL SHAPIRO LLP

Jeff D. Friedman (Bar No. 173886)
Shana E. Scarlett (Bar No. 217895)
715 Hearst Ave., Suite 202
Berkeley, California 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
Email: jefff@hbsslaw.com
shanas@hbsslaw.com

Attorneys for Plaintiff and all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CATHERINE GELLIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC., a
Delaware corporation; VERIZON WIRELESS, an
unincorporated association; CELLCO
PARTNERSHIP, an unincorporated association; and
DOES 1-100, inclusive,

Defendants.

Case No.: CV 07-03679 JSW

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER RE: CONTINUANCE OF
BRIEFING SCHEDULE**

RECITALS

This is a putative class action challenging defendants' practice of charging \$5 minimum late fees to California consumer cellular telephone subscribers who pay their bills four or more days late. The action was removed to this Court on July 17, 2007.

On May 30, 2008, the parties filed a Supplemental Joint Case Management Statement (docket 45) which included a proposed schedule for the hearing on class certification, completion of discovery, and pretrial matters.

On June 3, 2008, the Court entered an Order Scheduling Trial and Pretrial Matters (docket 47). The Order requires that plaintiff file her motion for class certification on October 10, 2008, and that the motion be heard on January 23, 2009.

Since then, several developments have occurred which all parties agree warrant a continuance of the class certification proceedings. Those developments include:

- In late August, 2008, Peter Fredman, one of the two initial co-counsel for plaintiff, changed law firms (*see* Stipulation and Order for Substitution of Attorney, docket 49);
 - On September 2, 2008, the law firm of Hagens Berman Sobol Shapiro LLP associated in as co-counsel for plaintiff (*see* Notice of Appearance, docket 50); and
 - On September 4, 2008, the parties held a mediation session before the Hon. Edward Infante (Ret.) of JAMS.
- In addition, Plaintiff requires additional time to work with her experts to develop some of the evidence that will likely be submitted in support of her class certification motion.

The parties have agreed, in light of these developments, to continue the briefing and hearing of the class certification motion, and to request the Court to enter an order to that effect. The parties do not, however, deem it necessary or advisable to continue any of the other dates previously set by the Court.

///

///

///

///

STIPULATION

Wherefore, the parties stipulate and agree that the scheduling order shall be modified as follows:

	Current Schedule	Proposed Schedule
Plaintiff to file motion for class certification	October 10, 2008	January 30, 2009
Defendants to file opposition to class cert.	December 9, 2008	March 31, 2009
Plaintiff to file reply in support of class cert.	January 8, 2009	April 30, 2009
Hearing on motion for class certification	January 23, 2009	May 15, 2009
Fact discovery cut-off	June 12, 2009	No change
Expert discovery cut-off	August 28, 2009	No change
Dispositive motions to be filed	September 15, 2009	No change
Hearing on dispositive motions	October 30, 2009	No change
Pretrial conference	January 11, 2010	No change
Trial	February 1, 2010	No change

Dated: September 10, 2008

Respectfully submitted,

CHAVEZ & GERTLER LLP

HAGENS BERMAN SOBOL SHAPIRO LLP

LAW OFFICES OF PETER FREDMAN

By: 

Mark A. Chavez
Attorneys for Plaintiff

MUNGER, TOLLES & OLSON LLP

By: 

Hojoon Hwang
Attorneys for Defendants

[PROPOSED] ORDER

Good cause appearing, the Court hereby approves the parties' stipulation and orders that the June 3, 2008 Scheduling Order in this case be modified as follows:

Plaintiff shall file her motion for class certification on January 30, 2009.

Defendant shall file its opposition to class certification on March 31, 2009.

Plaintiff shall file her reply in support of class certification on April 30, 2009.

Plaintiff's motion for class certification shall be heard on May 15, 2009 at 9:00 a.m.

All other dates set forth in the Scheduling Order shall remain the same.

Dated: September 11, 2008


Hon. Jeffrey S. White
U.S. District Court Judge